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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, PHUNG

ART UNIT PAPER NUMBER

2632

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/995,021	Applicant(s) OH, PAHNGROC	
Examiner Phung T Nguyen	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 August 2004.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 10, “the shared system” lacks antecedent basis.

Claims 2-16 are also rejected for incorporating the above deficiency by dependency.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imaoka et al. (U.S. Pat. 4,722,550) in view of Levine (U.S. Pat. 6,691,015).

Regarding claim 1: Imaoka et al. disclose seat assembly for motor vehicle comprising a seating system having a seat section and a back section, an adjustable bolster coupled to one of said seat section and said back section, and a control unit coupled to said adjustable bolster and to the control unit receiving vehicle data and activating said adjustable bolster (figures 1 and 5, col. 3, lines 57-68, and col. 4, lines 1-5). Imaoka et al. disclose the speed sensor 22 coupled to

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the control unit (col. 3, lines 57-58) but do not teach a shared sensor coupled to said control unit of said seating system and to second system in the vehicle, the shared sensor collecting and transmitting vehicle data. However, Levine discloses vehicle drive overdrive system comprising the shared sensor coupled to second system in the vehicle (col. 1, lines 49-55, and col. 2, lines 41-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Levine and Imaoka et al. in order to have a comprehensive system which is an advantage.

Regarding claim 2: Levine discloses wherein the second system is a vehicle dynamics system of the vehicle (col. 2, lines 41-45).

Regarding claim 3: Levine discloses wherein the vehicle dynamics system control a braking subsystem of the vehicle dynamics system of the vehicle (col. 2, lines 41-45).

Regarding claim 4: Levine discloses wherein the second system is a safety system of the vehicle (col. 2, lines 41-45).

Regarding claim 6: Imaoka et al. inherently disclose wherein the vehicle data including lateral acceleration data (col. 3, lines 57-58).

Regarding claim 7: Imaoka et al. disclose wherein the vehicle data including vehicle speed data and steering wheel angle data (col. 3, lines 57-58).

Regarding claim 8: Imaoka et al. inherently disclose wherein the vehicle data including yaw rate data (col. 3, lines 57-58).

Regarding claim 9: All the claimed subject matter is already discussed in respect to claim 1 above.

Regarding claim 10: Refer to claim 2 above.

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Regarding claim 11: Refer to claim 3 above.

Regarding claim 12: Refer to claim 4 above.

Regarding claim 14: Refer to claim 6 above.

Regarding claim 15: Refer to claim 7 above.

Regarding claim 16: Refer to claim 8 above.

4. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imaoka et al. in view of Levine and further in view of Cech et al. (U.S. Pat. 6,056,079).

Regarding claim 5: Imaoka et al. and Levine do not teach wherein the safety system controls an inflatable restraint subsystem of the safety system of the vehicle as claimed. However, Cech et al. teach the safety system is adapted to control an inflatable restraint subsystem of the safety system of the vehicle (col. 11, lines 12-19). Therefore, it would be obvious to one of ordinary skill in the art to utilize the teaching of Cech et al. in the system of the combination because they teach a system for controlling a vehicle safety restraint system. It is seen that using the safety system for controlling an inflatable restraint subsystem of the vehicle as taught by Cech et al. would enhance the combination's system by reducing the risk of injury to the occupants.

Regarding claim 13: Refer to claim 5 above.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 571-272-2968. The

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examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax numbers for the organization where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Phung Nguyen

A handwritten signature in black ink, appearing to read 'Phung Nguyen', with a long horizontal flourish extending to the right.

Date: November 4, 2004